

**Chapter 17.28****MOVING BUILDINGS**

(764-4/60, 1185-2/66, 1208-5/66, 1244-8/66, 2337-1/79, 2431-7/80, 2975-12/88, 3022-12/89)

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**17.28.010 Permit--Application--Conditions.**

- (a) No person, firm or corporation shall move any building, structure, or portion of a building or structure into the City or relocate within the City, or cause the same to be done without first obtaining a separate relocation permit for each building or structure.
- (b) Such relocation permit shall be subject to the following conditions:
  - (1) Payment of a nonrefundable relocation fee, established by resolution of the City Council;
  - (2) All streets shall be dedicated to their ultimate right-of-way and improved to City standards including street trees, street lights and street signs;
  - (3) All utilities shall be installed underground;
  - (4) On-site walkways and driveways shall be installed to City standards;
  - (5) The building shall be repainted;
  - (6) Payment of all required fees; and
  - (7) A cash bond in the amount specified in section 17.28.110(b). (1208-5/66, 1244-8/66, 2337-1/79, 2431-7/80)

**17.28.020 Permit--Application.** To obtain a permit the applicant shall first file an application therefor. Every such application shall contain or have appended thereto the following information:

- (a) Name of street and official house number, the name of the tract and/or block and zone use legend, the lot number and its dimensions, where the building or structure to be moved is to be placed;

- (b) The proposed use or occupancy for the building;
- (c) The tract, block, lot, zone use and official address of the building or structure's existing location;
- (d) All dimensions and structural type of the building or structure;
- (e) The nature of the repairs and any alterations or additions;
- (f) The complete valuation of the proposed work;
- (g) A plot plan drawn to scale shall be filed with the application. Such plot plan shall indicate with dimensions, all existing and proposed setbacks; and
- (h) Two clear photographs of the building. (764-4/60, 2431-7/80)

**17.28.030 Moving notice cards posted.** When such application is filed with all the information required, the building shall be inspected to determine if the structures can be made to conform with applicable State of California and Huntington Beach building regulations. If the structure can be made to conform, the moving notice cards shall be made and posted by the City. If the building cannot be made to conform with the minimum requirements of the Huntington Beach Building Code, the application shall be denied. (1185-2/66, 2431-7/80, 2975-12/88)

**17.28.040 Moving notice card specifications.** The notice of moving and relocation card shall contain the following information:

- (a) A brief description of the structure or structures, and the address from which and to which it is proposed to move such structure or structures;
- (b) A statement that if a written protest, signed by one or more persons who own real property within three hundred (300) feet of the location to which the structure or structures is to be moved, is filed in the Office of the City Clerk within seven (7) days after the notice of moving and relocation has been posted, such protest shall be heard and determined by the City Council at its first regular meeting after the time for filing protests has expired; and
- (c) A statement that if a written protest has not been filed with the City Clerk, as provided in subsection (b) hereof, and provided that all other requirements have been satisfied, a relocation permit will be issued. (1185-2/66, 2431-7/80)

**17.28.050 Cards posted in conspicuous place.** One moving notice card shall be posted in clear view in a conspicuous place approximately fifteen (15) feet back of the front property line on the lot to which it is proposed to move the building or structure. If the proposed move of the building or structure is to a corner lot, a second moving notice card shall be posted in like manner, facing the secondary street. A moving notice card shall be posted on the front of any building or structure to be moved within the City. (1185-2/66, 2431-7/80)

**17.28.060 Card posting period.** The moving notice cards shall remain posted for a period of seven (7) consecutive days. At the end of such time, moving notice cards shall be removed by an official of the City. (1185-2/66, 2431-7/80)

**17.28.070 Determination of effect of move.** If, following initial inspection of the building, it is determined that the structure would have an adverse effect on the characteristics of the neighborhood to which it is proposed that the building be moved, the Planning Director shall refer the matter to the Zoning Administrator. (1244-8/66, 2431-7/80, 2975-12/88, 3022-12/89)

**17.28.080 Review by Zoning Administrator.** The Zoning Administrator shall review the matter as an administrative act to determine whether the movement of the building to its proposed location will adversely affect the neighborhood based on the following criteria: (2975-12/88)

- (a) The age of the building compared with the age of those already in the neighborhood;
- (b) Architectural design of the building compared with those in the neighborhood and the effect upon same; and
- (c) The size of the structure in comparison to those in the neighborhood. (1244-8/66, 2431-7/80)

**17.28.090 Decision of Zoning Administrator.** The Zoning Administrator may approve, conditionally approve or disapprove the application for a permit to relocate. (1244-8/66, 2431-7/80, 2975-12/88)

**17.28.100 Protest and hearing.** Any protest with respect to a decision of the Zoning Administrator against the moving of a building or structure shall be in writing, signed by one or more persons owning real property within three hundred (300) feet of the relocation to which it is proposed such building or structure be moved, and filed in the Office of the City Clerk within the time specified on the moving notice card. (2975-12/88)

The City Council shall hear such protest at its first regular meeting after the time for filing protests has expired. (764-4/60, 1244-8/66, 2431-7/80)

**17.28.110 Relocation permit--Bond required.**

- (a) No relocation permit shall be issued unless the applicant has first posted a cash bond. (2975-12/88)
- (b) The bond shall, in form joint and several, name the City of Huntington Beach as obligee, and shall be in an amount equal to the cost, plus fifty (50%) percent of the work required to be done, in order to comply with all of the conditions of such relocation permit as estimated by the building official.
- (c) No bond, however, need be posted in any case where the building official shall determine that the only relocation involved is that of moving a building temporarily to a regularly occupied business premises of a house mover or that of moving a building to adjacent property of the same owner; but the exceptions herein made shall not apply unless the building official finds that no such security is necessary in order to assure compliance with the requirements of this section. (764-4/60, 1244-8/66, 2431-7/80)

**17.28.120 Bond conditions.** Every bond posted pursuant to this section shall be conditioned:

- (a) That each and all of the terms and conditions of the relocation permit shall be complied with to the satisfaction of the building official.
- (b) That all of the work required to be done pursuant to the conditions of the relocation permit shall be fully performed and completed within the time specified in the relocation permit; or if no time is specified, within ninety (90) days after the relocation permit is issued. The time specified in any permit may be extended for good and sufficient cause by the building official. No such extension of time shall be valid unless in writing, and no such extension shall release any surety from any bond. (764-4/60, 2431-7/80)

**17.28.130 Default in performance of conditions--Notice given.**

- (a) Whenever the building official shall find that a default has occurred in the performance of any term or condition of any permit, written notice thereof shall be given to the principal.

- (b) Such notices shall specify the work to be done, the estimated cost thereof, and the period of time deemed by the building official to be reasonably necessary for the completion of such work.
- (c) After receipt of such notice the owner shall cause the required work to be performed or failing therein, the building official shall then proceed forthwith to cause the required work to be performed and completed. All costs incurred shall be paid out of the aforementioned cash bond. No liability shall be incurred therein other than for the expenditure of the sum in hand therefor. (764-4/60, 1244-8/66, 2431-7/80)

**17.28.140 Cash bond--Manner of enforcement.** If a cash bond has been posted, notice of default, as provided above, shall be given to the principal, and if compliance is not obtained within the time specified, the building official, in his discretion, shall proceed without delay and without further notice of proceedings whatever to use the cash deposit or any portion of such deposit to cause the required work to be done by contract or otherwise. The balance, if any, of such cash deposit shall, upon completion of the work, be returned to the depositor or his successor or assigns, after deducting the cost of the work plus twenty-five (25%) percent thereof. (764-4/60, 2431-7/80)

**17.28.150 Option to demolish building.** When any default has occurred on the part of the principal under the preceding provisions, the building official shall have the option, in lieu of completing the work required, of demolishing the building or structure and clearing, cleaning and restoring the site. (764-4/60, 1244-8/66, 2431-7/80)

**17.28.160 Bond--Period and termination.** The term of each bond posted, pursuant to this section, shall terminate upon the completion to the satisfaction of the building official of the performance of all the terms and conditions of the relocation permit. Such completion shall be evidenced by a statement thereof, signed by the building official, a copy of which shall be sent to any principal upon request. When a cash bond has been posted, the cash shall be returned to the depositor or to his successors or assigns upon the termination of the bond, except any portion thereof that may have been used or deducted as elsewhere in this chapter provided. (764-4/60, 1244-8/66, 2431-7/80)

**17.28.170 Entry upon premises.** The building official and his duly authorized representatives shall have access to the premises described in the relocation permit for the purpose of inspecting the progress of the work. (1244-8/66, 2431-7/80)

**17.28.180 Default--Completion of work by City.** In the event of any default in the performance of any term or condition of the relocation permit, the building official or his authorized representative shall have the right to go upon the premises to complete the required work or to remove or demolish the building or structure. (1244-8/66, 2431-7/80)

**17.28.190 Interference with completion by City.** It is unlawful for the owner or his representative, successors or assigns, or any other person, to interfere with or obstruct the ingress or egress to or from any such premises of the City of Huntington Beach, engaged in the work of completing, demolishing or removing any building or structure for which a relocation permit has been issued after default has occurred in the performance of the terms or conditions thereof. (764-4/60, 1244-8/66, 2431-7/80)

**17.28.200 Relocation permits--Exception.** The provisions of this chapter relating to the posting of bonds shall not apply where the building or structure is to be moved to a location outside the City limits. In such cases, if the building official finds that the building or structure is so constructed and in such condition that it can be moved with safety, the permit shall be issued without the requirement of a bond. (764-4/60, 1244-8/66, 2431-7/80)